

Attorney Docket No: 38-15(52826)B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* application of: Alan L. KRIZ *et al.* )  
Utility Patent Application No.: 10/732,721 )  
Filed: 10 December 2003 )  
Title: MAIZE EMBRYO-SPECIFIC PROMOTER )  
COMPOSITIONS AND METHODS FOR )  
USE THEREOF )

Examiner: Barba M. KOROMA  
Art Unit: 1638

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**JAN 17 2005**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir,

**RESPONSE TO OFFICE ACTION**

In response to the Office Action mailed 18 November 2004, Applicants request reconsideration of the application in view of the amendments and remarks set forth below.


**Amendments to the Specification** begin on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks** begin on page 7 of this paper.

**CERTIFICATE OF FACSIMILE TRANSMITTAL – 36 (thirtysix) pages**

I hereby certify that this Response to Office Action and Amendment is being facsimile transmitted to the USPTO's Central Facsimile Number, i. e., (703) 872-9306, on **17 February 2005**.

  
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Also included as an **Attachment** is a copy (28 pages) of the Board of Patent Appeals and Interferences' Opinion in support of the Decision on Appeal under 35 USC §134 *ex parte* McElroy (United States Patent Application No. 09/532,806, now United States Patent Number 6,747,189, issued 8 June 2004).

This response is being timely filed within three (3) months of that date and thus no extension of time is believed necessary. In the event that this paper is deemed not timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 134,125 along with any other additional fees which may be required with respect to this paper; any overpayment should be credited to the account.